

**WOODS CROSS PLANNING COMMISSION MEETING  
APRIL 28, 2015**

**MEMBERS PRESENT:**

Leo Beecher, Chairman  
Jennifer Bassarear  
Dan Bradford  
Brent Page

Curtis Poole  
Gary Sharp  
Matt Terry

**STAFF PRESENT:**

Tim Stephens, Community Development Director  
Bonnie Craig, Secretary

**VISITORS:**

Thomas Hopkins  
Lindsay Gadd  
David Tyson  
Barclay Biesinger  
Push Walia  
Jason Wallin

**PLEDGE OF ALLEGIANCE:**

Matt Terry

**APPROVAL OF MINUTES**

The Commission reviewed the minutes of the Planning Commission meeting held April 14, 2015. After their review, Commissioner Sharp made a motion to approve the minutes as written with Commissioner Bassarear seconding the motion and the motion carried.

**OPEN SESSION**

Chairman Beecher opened the meeting to public comments regarding items that were no on the agenda.

There were no public comments and Chairman Beecher closed the open session.

**WALIA URBAN CHICKENS CONDITIONAL USE—1173 WEST 1750 SOUTH—PUSH WALIA**

Mr. Tim Stephens, the Community Development Director, reviewed this item with the Commission. He noted that the applicant is proposing to keep six chickens at his home located in a residential zone. The city regulations allow up to 10 hen chickens or chicks on a parcel under ½ acres.

Mr. Push Walia appeared before the Commission. Mr. Stephens noted for Mr. Walia that the Code Enforcement Officer had been contacted regarding a complaint of roosters being kept at

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Mr. Walia's home. Mr. Stephens told Mr. Walia that roosters were not allowed at residential homes because they are noisy. Mr. Walia said he had gotten rid of the roosters he had. Mr. Stephens said there was a recent complaint about the rooster noise and Mr. Walia needed to make sure he had removed all of the roosters from his property. Mr. Walia said he would make sure he did so.

There were no further questions and Commissioner Bassarear made a motion to approve the conditional use request for up to 10 urban chickens for Mr. Push Walia. Commissioner Poole seconded the motion and the motion carried.

**BIESINGER APIARY CONDITIONAL USE REQUEST—1537 WEST 1200 SOUTH—BARCLAY BIESINGER**

Mr. Stephens then went over this agenda item with the Commission. He said that the applicant is proposing to keep bees at his home. City regulations permit 2 colonies of bees on a parcel ¼ acres or less.

Mr. Barclay Biesinger appeared before the Commission. The Commission asked Mr. Biesinger if he had any questions regarding the regulations regarding the keeping of bees. Mr. Biesinger said he did not have any questions and he was comfortable with the regulations as outlined.

There was no further discussion and Commissioner Poole made a motion to approve the conditional use permit for up to 2 colonies of bees for Mr. Barclay Biesinger. Commissioner Page seconded the motion and the motion carried.

**BEE SPACE LLC CONDITIONAL USE REQUEST—999 WEST 1500 SOUTH—TOM HOPKINS**

Mr. Stephens then reviewed this item with the Commission. He noted the applicant is proposing to use a portion of the old Peak Profile building for his business. Bee Space, LLC was one of the businesses that were discovered already in operation in the building. They are now making application for a conditional use permit and business license.

Bee Space, LLC is a wholesaler of bee keeping products. They store bee keeping equipment at the warehouse for resale to retail stores. They are occupying part of the building presently as a warehouse space. They are also currently working with the building inspector resolving an issue with a paint booth used to paint bee hives. Mr. Stephens also noted that Mr. Hopkins told him there would be two tanks associated with the business as part of the business operation that would be located as a fixture on the loading dock. Mr. Hopkins said he would be willing to screen the tanks from view.

Mr. Tom Hopkins appeared before the Commission to answer questions regarding this item. The Commission asked Mr. Hopkins if he was already operating his business within the building. Mr. Hopkins said he was operating his business within the building and he found out he needed

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to make sure his business operations were up to city code and needed a business license to operate within the city. He said he was currently working with the Fire Marshall to take care of any fire code and related issues.

The Commission asked if Mr. Hopkins was strictly a wholesale business. Mr. Hopkins said he was a strictly wholesale business and the business distributes their products in the United States and Canada. The Commission asked if there were a lot of trucks that would be used for business operation. Mr. Hopkins said he only had a couple of trucks a week come to the business and the business had regular business operation hours from 9:00 AM to 5:00 PM.

There were no further questions or discussion and Commissioner Terry made a motion to approve the conditional use permit for Bee Space, LLC and Mr. Tom Hopkins with the following conditions:

1. At no time shall the operation negatively impact the adjacent properties particularly the nearby residential areas.
2. Applicant's business operation shall be in compliance at all times with any government entity having jurisdiction over the business activity.
3. The vacant area on the west side of the building does not have any land use approvals, as such, this area cannot be utilized unless a site plan and conditional use application to and approved by the City.
4. At no time shall any materials, goods, or equipment be stored outside the enclosed building. All such materials, equipment or products shall be promptly loaded and placed within the enclosed building. At no time shall any material or equipment be store outside even for short periods of time which includes the loading dock.

Commissioner Bradford seconded the motion and the motion carried.

**MOUNTAIN AMERICA CREDIT UNION SITE PLAN AMENDMENT—1849 SOUTH 500 WEST—DAVID TYSON**

Mr. Stephens said that Mountain American Credit Union is proposing the installation of an ATM drive-up in the southwest corner of their parking lot. The proposed ATM drive-up would occupy six existing parking stalls. The credit union building presently has parking in excess of the parking requirement and can eliminate six parking stalls and still exceed the required parking for this land use.

Mr. David Tyson came before the Commission to answer questions regarding this item. The Commission asked if they were replacing the ATM and Mr. Tyson said they were just moving the ATM for better traffic flow. The Commission asked which direction the traffic flow would be going and he said it would be flowing from east to west. The Commission asked Mr. Tyson if he knew if an arrangement had been made for the private school located nearby to utilize some of the credit unions parking spaces. Mr. Tyson said he did not know about that but that he has

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only seen 3 or 4 cars each time he has been at the credit union working with the architect to make updates to the credit union.

There were no further questions and Commissioner Page made a motion to approve the site plan amendment for Mountain America Credit Union with the condition that the tree being removed for the proposed project be replaced elsewhere on the site. Commissioner Bassarear seconded the motion and the motion carried.

**DISCUSSION OF RETAIL DISPLAY & STORAGE AMENDMENT TO THE ZONING ORDINANCE—TIM STEPHENS**

Mr. Stephens went over the following with the Planning Commission:

“Given to the Commission is a copy of the AP—Airport Zone with proposed amendments underlined within. The purpose for the proposed amendments is to better clarify outside storage in both the AP and I-1 zones and retail displays and storage for commercial use. Minor adjustments were made to some sections regarding outside storage prohibition and trash and garbage storage. We would like to review any questions, concerns or modifications the Planning Commission would like to see or have conveyed to the City Attorney. This discussion would result in a final draft for consideration at the following Planning Commission meeting on May 12<sup>th</sup> which the Planning Commission will hold a public hearing and make a recommendation to the City Council.”

The Commission discussed some of the questions that might be associated with the amendment to this zoning ordinance. The Commission discussed an item that was on tonight’s agenda regarding fencing and mesh screening. Chairman Beecher invited Ms. Lindsay Gadd to comment on the discussion, as what was being discussed would directly affect what she would be addressing the Commission on regarding her agenda item.

The Commission asked Ms. Gadd if putting up a fence and placing mesh screening to the back portion of the fencing to make it opaque was acceptable to the business she was representing and would be workable for the business. She said they had no objections to this type of screening and said they have done something similar to other buildings in other parts of the country where there stores are located.

The Commission continued to discuss some of the other details they might like to change or modify regarding the ordinance and Chairman Beecher asked that the Commission continue to review and think about what they would like to have in the ordinance and submit ideas in writing using language they would like to see appear in the ordinance so they can be prepared to discuss it for the public hearing at the next meeting.

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**TRACTOR SUPPLY STORE CONDITIONAL USE & SITE PLAN—1550 SOUTH REDWOOD ROAD—LINDSAY GADD**

Mr. Stephens then reviewed this item with the Commission. He noted that consultants for the Tractor Supply Company have been working with the staff for several months to develop a site plan for their retail store on the corner of Redwood Road and 1500 South. The proposed location is also adjacent to the south end of Skypark Airport and the Tractor Supply Store is working with the FAA for approvals for the building's location and height within the near future. Mr. Stephens noted that the FAA approvals had been recently approved. There has been some concern regarding the fenced, outdoor, retail display and storage loading area on the site. The Commission can approve uses that are customarily done outdoors. There is a proposed draft regarding some changes to the outdoor regulations and any approval of this proposed site plan should be conditioned on the adoption of this amendment. The outdoor, retail display/storage area for the proposed store is secured with decorative, metal-tube fencing with a fabric mesh screen similar to what may be found at other home improvement stores. This area will house a small building for the storage of hay but most items are large items that customers cannot handle in the store. Customers do have access to this area to view the items displayed. The area has a gate on each end which allows the customer to pull their vehicle and or trailer into the area where an employee will load the sales item. The staff and city attorney believe that the proposed amendment clarifies the difference between retail display/storage and other types of storage such as contractor yards or other types of outside storage that the city has typically prohibited for the last two decades. But as was discussed above, Ms. Gadd had no problems with the requirement of the minimum 7 foot fence with fabric mesh being installed on the back of the fence making it opaque and obscuring business inventory from view.

Mr. Stephens said there would be two required actions for this item. One for the conditional use permit and one for the site plan approval.

The Commission asked where the entrance and exits for the business would be located. Mr. Stephens pointed out that they would be on 1500 South; there would be two entrance/exits that have been approved by the city engineer and the public works director.

The Commission asked what the timeline was for the business. Ms. Gadd said they would like to start construction the second week of June if possible.

It was also noted there would be a public hearing regarding the amendment to the ordinance mentioned above at the next Planning Commission meeting.

There being no further questions or discussion, Commissioner Sharp made a motion to approve the conditional use request for the Tractor Supply Store with the following conditions:

1. At no time shall the applicant's operation negatively impact adjacent uses particularly the residential neighborhood to the west.

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2. Applicant's business and operation shall be in conformance at all times with any government agency having jurisdiction over the subject property or business operation.

Commissioner Bassarear seconded the motion and the motion carried.

Commissioner Poole then made a motion to approve the site plan for the Tractor Supply Store with the following conditions:

1. Applicant shall obtain required permits from the Utah Department of Transportation for the Redwood Road improvements and submit a copy of the same to the city.
2. Site Plan is approved subject to the review and adoption of retail, outdoor storage/display amendment to the zoning ordinance. Such amendment shall be adopted prior to the issuance of a building permit.

Commissioner Bassarear seconded the motion and the motion carried.

**WALLIN OFFICE/WAREHOUSE/HANGAR CONDITIONAL USE AND SITE PLAN—  
2083 SOUTH 1640 WEST—JASON WALLIN**

Mr. Stephens then went over this agenda item. He noted that Mr. Jason Wallin is proposing the construction of an office/warehouse/hangar on property within the Skypark Industrial Park. Mr. Wallin will have his airplane in the building in addition to warehousing products manufactured by his business in Logan. Part of the building will be used for the distribution of plastic, molded products such as gas cans. The proposal also includes office space on the front of the building along with a loading dock. Mr. Wallin has also proposed, on the second level above the office space, a night watchman's apartment in which he intends to stay occasionally working between his business location and home in Logan. The proposed building as sited on the site plan will be encroaching on a 14-foot public utility easement. This easement is unused and probably will not be used in the future. Mr. Wallin is planning on having the utility companies vacate this easement. The city attorney is working on forms which per state code, will allow Mr. Walling to petition each of the public utility companies for permission to have the City Council vacate this easement. Any approval should be condition upon the vacation of the easement.

Mr. Jason Wallin appeared before the Commission. The Commission asked if Mr. Wallin was in agreement with the conditions as outlined. Mr. Wallin said he had no problems with any of the conditions as outlined. He said he traveled back and forth from Logan for business purposes and would like to have a hangar for his plane as well as somewhere to stay in between business trips within the hangar.

There were no other questions and Commissioner Bassarear made a motion to approve the Walling Office/Warehouse/Hangar conditional use with the following conditions:

1. At no time shall business operation or use of the building as a hangar negatively impact the surrounding properties particularly the adjacent residential area.

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2. The applicant's business operation shall be in compliance at all times with any government agency having jurisdiction over the subject property or the business operation.
3. Quarters for security personnel and for pilot lounges are permitted but they are not to become permanent residences or rented out and must be accessory to the business.

Commissioner Bradford seconded the motion and the motion carried.

Commissioner Bassarear then made a motion to approve the site plan for the Wallin Office/Warehouse/Hangar with the following conditions:

1. A building permit shall not be issued for this project until such time as the City Council has approved an ordinance vacating the 14-foot public utility easement along the north side of the property and the same being filed with the Davis County Recorder's Office.

Commissioner Terry seconded the motion and the motion carried.

**GENERAL AND PENDING**

Mr. Stephens said the ordinance review would take place at the next meeting as discussed above.

He also noted the staff is meeting weekly regarding the new shopping center area where the old K-Mart store was located.

Commissioner Sharp said he would not be at the May 12<sup>th</sup> meeting.

**ADJOURNMENT**

There being no further business before the Commission, Commissioner Bradford made a motion to adjourn the meeting at 7:38 P.M.

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Leo Beecher, Chairman

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Bonnie S. Craig, Secretary